

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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PEDRO RODRIGUEZ,

Plaintiff,

v.

09-CV-1005

PEGUERO, Correctional Officer, et al.,

Defendants.

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THOMAS J. McAVOY  
Sr. U.S. District Judge

**DECISION and ORDER**

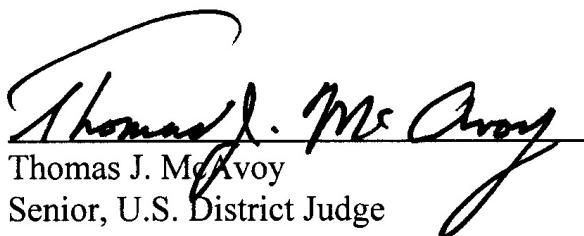
This matter was brought pursuant to 42 U.S.C. § 1983 and was referred to the Hon. Andrew T. Baxter, United States Magistrate Judge, for a Report-Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c).

No objections to the January 27, 2011 Report-Recommendation have been raised. After examining the record, this Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice. Accordingly, this Court adopts the Report-Recommendation for the reasons stated therein.

It is, therefore, **ORDERED** that Defendants' motion to dismiss (Dkt. 21) is **GRANTED and the Compliant is DISMISSED IN ITS ENTIRETY.**

IT IS SO ORDERED.

Dated: February 24, 2011

  
Thomas J. McAvoy  
Senior, U.S. District Judge